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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/771,902  
Filing Date: February 04, 2004  
Appellant(s): EDWARDS ET AL.

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John P. O'Banion  
Reg. No. 33,201  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed June, 1 2007 appealing from the Office  
action mailed October 30, 2006.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

6,459,388	BARON	10-2002
6,731,239	WALL	5-2004
2003/0020816	HUNTER	1-2003

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-5 and 21-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Baron (U.S. Patent 6,459,388).

Regarding claim 1, Baron discloses:

A method of identifying photographic opportunities, comprising:

- maintaining a user profile describing the photographic interests of a user as content types selected from a number of content type categories within which the user has expressed interest (column 7 lines 54-67), wherein a database contains pictures of the sites previously captured by the user;
- wherein said content type specifies the category, or kind, of photo opportunity in which the user is interested (column 7 lines 55-67);
- determining a geographic location of a device (column 5 lines 48-57), wherein GPS is used to determine the location of the device;
- identifying a plurality of suggestions from a photo opportunity database based on the geographic location of the device (column 7 lines 53-67) and matching of photographic interests as given by said content types within said user profile with the content types of the photo opportunity, wherein each suggestion indicates a unique photo opportunity (column 7 lines 53-67), wherein each photograph taken by the user stored by the database is a content type in which the user has expressed interest, and

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based on the location of the device and these content types (photographs) that the user has expressed interest, a plurality of suggestions is displayed to the user;

transmitting the plurality of photo opportunity suggestions to the device (column 7 lines 53-67), wherein a plurality of sites are displayed to a user and the user is free to visit any of the sites that the use desires;

receiving a user selection from the device chosen from the plurality of suggestions (column 7 lines 65-67), wherein the user keys in a desire to visit the site; and

transmitting additional information to the user regarding the selected photo opportunity to the device (column 7 lines 65-67), wherein if the user selects the site, navigational information is provided to the user.

Claim 2 is rejected as applied above in rejecting claim 1. Furthermore, Baron discloses:

The method according to claim 1 wherein said content type categories for representing user interests comprises general categories of content types as well as subsets of the general categories of content types within said user profile (column 7 lines 60-65), wherein the database used to determine which sites to visit includes pictures captured by the user, which are interpreted as the content types, since each photograph is a type of content.

Claim 4 is rejected as applied above in rejecting claim 3. Furthermore, Baron discloses:

The method according to claim 3 wherein the device is an image sensing device or a camera device (column 3 lines 66-67), wherein the optical device is preferably a camera.

Claim 5 is rejected as applied above in rejecting claim 1. Furthermore, Baron discloses:

The method according to claim 1 further comprising selecting the at least one suggestion from a plurality of suggestions within a photo opportunity database wherein each suggestion includes a content type and a geographic location (column 7 line 53 – column 8 line 6), wherein the suggestion can be accompanied by a map.

Regarding claim 21, Baron discloses:

A system for suggesting local photo opportunities, comprising:

an interface module configured for receiving a geographical location of a camera device (column 5 lines 48-57), wherein GPS is used to determine the location of the device;

a storage module configured for storing a user profile wherein the user profile includes at least one content type from a number of classification categories describing photographic interests of a user (column 7 lines 54-67), wherein a database contains pictures of the sites previously captured by the user;

wherein said content type specifies the category, or kind, of photo opportunity in which the user is interested (column 7 lines 53-67); and

a review module configured for providing at least one suggestion based on matching the content types within the user profile which expresses user interests and the content type of the photo opportunity for the geographical location of the camera device (column 7 lines 53-67), wherein each photograph taken by the user stored by the database is a content type in which the user has expressed interest, and based on the location of the device and these content types (photographs) that the user has expressed interest, a plurality of suggestions is displayed to the user;

wherein said review module updates a user profile based on prior photographs captured by the user through said camera device (column 7 lines 53-67), wherein the previous photographs are used to determine if the user wants to visit the site.

Claim 22 is rejected as applied above in rejecting claim 21. Furthermore, Baron discloses:

The system according to claim 21 wherein the interface module is configured for receiving a selection from the camera device wherein the selection is from at least one suggestion (column 7 lines 65-67), wherein the user keys in a desire to visit the site.

Claim 23 is rejected as applied above in rejecting claim 22. Furthermore, Baron discloses:

The system according to claim 22 wherein the interface module is configured to transmit a detailed description to the camera device wherein the detailed description

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corresponds to the selection (column 7 line 53 – column 8 line 6), wherein the suggestion can be accompanied by a map.

Claim 24 is rejected as applied above in rejecting claim 23. Furthermore, Baron discloses:

The system according to claim 23 wherein the detailed description includes a sample image of the selection (column 7 line 53 – column 8 line 6), wherein the suggestion can be accompanied by a map and a preview image of the site.

Claim 25 is rejected as applied above in rejecting claim 23. Furthermore, Baron discloses:

The system according to claim 23 wherein the detailed description includes a description of the selection (column 6 lines 60-65), wherein the selections are accompanied by historical, cultural and/or operational information.

Claim 26 is rejected as applied above in rejecting claim 23. Furthermore, Baron discloses:

The system according to claim 23 wherein the detailed description includes directions to the selection based on the geographic location of the camera device (column 7 line 53 – column 8 line 6), wherein the suggestion can be accompanied by a map and navigational information.



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Claim 27 is rejected as applied above in rejecting claim 22. Furthermore, Baron discloses:

The system according to claim 22 wherein the storage module is configured to store a photo opportunity database that includes a plurality of photo opportunity listings wherein each listing is associated with a geographic area and a content type (column 6 lines 19 – 37).

Regarding claim 28, Baron discloses:

A computer-readable medium having computer executable instructions for performing a method of suggesting photo opportunities within a local area comprising:

sensing a user profile describing the photographic interests of a user as content types, selected from a number of content type categories (column 7 lines 54-67), wherein a database contains pictures of the sites previously captured by the user which are interpreted as different content types;

determining a geographic location of a device (column 5 lines 48-57), wherein GPS is used to determine the location of the device;

identifying a plurality of suggestions from a photo opportunity database based on the geographic location of the device and matching of the content type for prospective photo opportunities with the photographic interests of the user as represented by content types within said user profile wherein each suggestion indicates a unique photo opportunity (column 7 lines 53-67), wherein a plurality of sites are displayed to a user and the user is free to visit any of the sites that the use desires;

transmitting the plurality of photo opportunity suggestions to the device (column 7 lines 53-67), wherein a plurality of sites are displayed to a user and the user is free to visit any of the sites that the user desires;

receiving a user selection from the device chosen from the plurality of suggestions which match user interests as defined by user selected content types in said user profile (column 7 lines 65-67), wherein the user keys in a desire to visit the site; and

transmitting additional information to the user regarding the selected photo opportunity corresponding to the selection to the device (column 7 lines 65-67), wherein if the user selects the site, navigational information is provided to the user.

Claims 3, 6, 8, 10-16, and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baron (U.S. Patent 6,459,388) in view of Wall et al. (U.S. Patent 6,731,239).

Claim 3 is rejected as applied above in rejecting claim 1. Baron does not explicitly disclose dynamically widening or narrowing an area around the geographic location of the device to either increase or decrease the number of suggestions received. Wall discloses adjusting (increasing or decreasing) the given distance around position coordinates (column 4 lines 61-65). Baron and Wall are analogous arts in that both supply GPS-enabled users information about nearby geographic sites. Wall discloses limiting or increasing the amount of information, depending on the number of sites within

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a given radius. Furthermore, Wall states that limiting the amount of information is desirable in order to control the amount of information processed by the user device (column 4 lines 45-62). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to dynamically adjust the radius, as in Wall, in order to regulate the amount of information processed by the user device.

Claim 6 is rejected as applied above in rejecting claim 5. Baron does not explicitly disclose dynamically widening or narrowing an area around the geographic location of the device to either increase or decrease the number of suggestions received, or by relaxing or tightening a requirement of the content type matching the user profile. Wall discloses adjusting (increasing or decreasing) the given distance around position coordinates (column 4 lines 61-65). Baron and Wall are analogous arts in that both supply GPS-enabled users information about nearby geographic sites. Wall discloses limiting or increasing the amount of information, depending on the number of sites within a given radius. Furthermore, Wall states that limiting the amount of information is desirable in order to control the amount of information processed by the user device (column 4 lines 45-62). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to dynamically adjust the radius, as in Wall, in order to regulate the amount of information processed by the user device.

Claim 8 is rejected as applied above in rejecting claim 5. Baron does not explicitly disclose dynamically widening or narrowing an area around the geographic location of

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the device to either increase or decrease the number of suggestions received, or by relaxing or tightening a requirement of the content type matching the user profile. Wall discloses adjusting (increasing or decreasing) the given distance around position coordinates (column 4 lines 61-65). Baron and Wall are analogous arts in that both supply GPS-enabled users information about nearby geographic sites. Wall discloses limiting or increasing the amount of information, depending on the number of sites within a given radius. Furthermore, Wall states that limiting the amount of information is desirable in order to control the amount of information processed by the user device (column 4 lines 45-62). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to dynamically adjust the radius, as in Wall, in order to regulate the amount of information processed by the user device.

Regarding claim 10, Baron discloses:

A system of identifying photographic opportunities comprising:

means for sensing a user profile describing the photographic interests of a user as content types (column 7 lines 54-67), wherein a database contains pictures of the sites previously captured by the user which are content types;

wherein said content type specifies the category, or kind, of photo opportunity in which the user is interested (column 7 lines 53-67), wherein each photograph taken by the user stored by the database is a content type in which the user has expressed interest, and based on the location of the device and these content types (photographs) that the user has expressed interest, a plurality of suggestions is displayed to the user

means for determining a geographic location of a device (column 5 lines 48-57), wherein GPS is used to determine the location of the device;

means for transmitting a desired number of suggestions, incorporating at least suggestion, to the device based on the geographic location of the device and matching of the content type for prospective photo opportunities with the content types within said user profile expressing user interests, wherein the suggestion indicates a unique photo opportunity (column 7 lines 53-67), (column 7 lines 53-67), wherein each photograph taken by the user stored by the database is a content type in which the user has expressed interest, and based on the location of the device and these content types (photographs) that the user has expressed interest, a plurality of suggestions is displayed to the user.

Baron does not explicitly disclose dynamically widening or narrowing an area around the geographic location of the device to either increase or decrease the number of suggestions received. Wall discloses adjusting (increasing or decreasing) the given distance around position coordinates (column 4 lines 61-65). Baron and Wall are analogous arts in that both supply GPS-enabled users information about nearby geographic sites. Wall discloses limiting or increasing the amount of information, depending on the number of sites within a given radius. Furthermore, Wall states that limiting the amount of information is desirable in order to control the amount of information processed by the user device (column 4 lines 45-62). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to

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dynamically adjust the radius, as in Wall, in order to regulate the amount of information processed by the user device.

Regarding claim 11, Baron discloses:

sensing a user profile containing user content type selections classified under a number of content type categories describing the photographic interests of a user in which the user has expressed interest (column 7 lines 54-67), wherein a database contains pictures of the sites previously captured by the user;

wherein said content type specifies the category, or kind, of photo opportunity in which the user is interested (column 7 lines 53-67), wherein each photograph taken by the user stored by the database is a content type in which the user has expressed interest, and based on the location of the device and these content types (photographs) that the user has expressed interest, a plurality of suggestions is displayed to the user

determining a geographic location of a device (column 5 lines 48-57), wherein GPS is used to determine the location of the device;

identifying a plurality of suggestions from a photo opportunity database based on the geographic location of the device and matching of the content type for prospective photo opportunities with the content types within said user profile which express the user interests, wherein each suggestion indicates a unique photo opportunity (column 7 lines 53-67), wherein each photograph taken by the user stored by the database is a content type in which the user has expressed interest, and based on the location of the

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device and these content types (photographs) that the user has expressed interest, a plurality of suggestions is displayed to the user;

transmitting the listing of suggestions to the device (column 7 lines 53-67), wherein a plurality of sites are displayed to a user and the user is free to visit any of the sites that the use desires;

receiving a selection from the device wherein the selection is chosen from the listing of suggestions which match user interests as defined by user selected content types in said user profile (column 7 lines 65-67), wherein the user keys in a desire to visit the site; and

transmitting detailed information corresponding to the selection to the device (column 7 lines 65-67), wherein if the user selects the site, navigational information is provided to the user.

Baron does not explicitly disclose dynamically widening or narrowing an area around the geographic location of the device to either increase or decrease the number of suggestions received. Wall discloses adjusting (increasing or decreasing) the given distance around position coordinates (column 4 lines 61-65). Baron and Wall are analogous arts in that both supply GPS-enabled users information about nearby geographic sites. Wall discloses limiting or increasing the amount of information, depending on the number of sites within a given radius. Furthermore, Wall states that limiting the amount of information is desirable in order to control the amount of information processed by the user device (column 4 lines 45-62). Therefore, it would

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have been obvious to one of ordinary skill in the art at the time of invention to dynamically adjust the radius, as in Wall, in order to regulate the amount of information processed by the user device.

Claim 12 is rejected as applied above in rejecting claim 11. Furthermore, Baron discloses:

The method according to claim 11 wherein the device is a camera device (column 3 lines 66-67), wherein the optical device is preferably a camera.

Claim 13 is rejected as applied above in rejecting claim 11. Furthermore, Baron discloses:

The method according to claim 11 wherein the detailed information includes a sample image of the selection (column 7 lines 53-65), wherein the user can preview photographs of the site.

Claim 14 is rejected as applied above in rejecting claim 11. Furthermore, Baron discloses:

The method according to claim 11 wherein the detailed information includes directions to the selection based on the geographic location of the camera device (column 7 lines 65-67), wherein if the user selects a site, navigation information is provided.



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Claim 15 is rejected as applied above in rejecting claim 11. Furthermore, Baron discloses:

The method according to claim 11 wherein the detailed information includes a description of the selection (column 6 lines 60-65), wherein the selections are accompanied by historical, cultural and/or operational information.

Claim 16 is rejected as applied above in rejecting claim 11. Furthermore, Baron discloses:

The method according to claim 11 further comprising detecting an image captured by the camera device (column 8 lines 20-28).

Claim 19 is rejected as applied above in rejecting claim 16. Furthermore, Baron discloses:

The method according to claim 16 further comprising updating the user profile based on the captured image (column 8 lines 20-33), wherein the captured image is placed into a remote database for future use by the user.

Claim 20 is rejected as applied above in rejecting claim 16. Furthermore, Baron discloses:

The method according to claim 16 further comprising detecting a content type of the captured image (column 8 lines 20-28), wherein the imaging data and location information can be used to determine the content type.

Claims 17-18, and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baron (U.S. Patent 6,459,388) in view of Hunter et al. (U.S. Publication No. 2003/0020816).

Claim 17 is rejected as applied above in rejecting claim 16. Baron does not explicitly comparing the captured image with a stored sample image by executing image recognition and comparison algorithms to determine a match between the captured image and the sample image to associate information from the sample image to the captured image. Hunter teaches comparing a captured image with a sample image using image recognition software and if the images match, adding content from the sample to the captured image (paragraphs 37-39, 44). Baron and Hunter are analogous arts because both use GPS-enabled cameras to capture sites which already have a sample stored in a database. Hunter adds textual information to the picture after a match is made in order to provide the user with "location and time at which photographs were taken and/or any stories, historical information" that was associated with the sample image (paragraph 4). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to add the descriptive text from the sample image to the capture image, in order to provide the user with historical information associated with the captured site.

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Claim 18 is rejected as applied above in rejecting claim 17. Baron does not explicitly comparing the captured image with a stored sample image by executing image recognition and comparison algorithms to determine a match between the captured image and the sample image to associate information from the sample image to the captured image. Hunter teaches comparing a captured image with a sample image using image recognition software and if the images match, adding content from the sample to the captured image (paragraphs 37-39, 44). Baron and Hunter are analogous arts because both use GPS-enabled cameras to capture sites which already have a sample stored in a database. Hunter adds textual information to the picture after a match is made in order to provide the user with "location and time at which photographs were taken and/or any stories, historical information" that was associated with the sample image (paragraph 4). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to add the descriptive text from the sample image to the capture image, in order to provide the user with historical information associated with the captured site.

Claim 29 is rejected as applied above in rejecting claim 1. Baron does not explicitly comparing the captured image with a stored sample image by executing image recognition and comparison algorithms to determine a match between the captured image and the sample image to associate information from the sample image to the captured image. Hunter teaches comparing a captured image with a sample image using image recognition software and if the images match, adding content from the

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sample to the captured image (paragraphs 37-39, 44). Baron and Hunter are analogous arts because both use GPS-enabled cameras to capture sites which already have a sample stored in a database. Hunter adds textual information to the picture after a match is made in order to provide the user with "location and time at which photographs were taken and/or any stories, historical information" that was associated with the sample image (paragraph 4). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to add the descriptive text from the sample image to the capture image, in order to provide the user with historical information associated with the captured site.

Claim 30 is rejected as applied above in rejecting claim 29. Baron does not explicitly comparing the captured image with a stored sample image by executing image recognition and comparison algorithms to determine a match between the captured image and the sample image to associate information from the sample image to the captured image. Hunter teaches comparing a captured image with a sample image using image recognition software and if the images match, adding content from the sample to the captured image (paragraphs 37-39, 44). Baron and Hunter are analogous arts because both use GPS-enabled cameras to capture sites which already have a sample stored in a database. Hunter adds textual information to the picture after a match is made in order to provide the user with "location and time at which photographs were taken and/or any stories, historical information" that was associated with the sample image (paragraph 4). Therefore, it would have been obvious to one of

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ordinary skill in the art at the time of invention to add the descriptive text from the sample image to the capture image, in order to provide the user with historical information associated with the captured site.

### **(10) Response to Argument**

The Appellant argues:

That Baron does not teach “describing the photographic interests of a user as content types selected from a number of content type categories within which the user has expressed interest; wherein said content type specifies the category, or kind of photo opportunity in which the user is interested.”

The Examiner contends that Baron does teach describing the photographic interests of users selected from a number of content type categories, wherein the content type specifies the category or kind of photo opportunity in which the user is interested. Baron teaches that a database stores “a plurality of user selected sites or sites related based on a user’s parameters” (column 7, lines 7-11). The plurality of user-selected sites, and the site-associated information (photos and related information), are interpreted as a content type, as compared to other sites that are provided just based on suggestions or vicinity of the device (column 6, lines 53-55). These are different kinds of sites that are provided to the user, and each type of site

provided, is provided with a preview (image or photo) and related information. These different types of information and different kinds of photos provided are interpreted as the "content types" as they are different categories of information, user selected and suggestion or vicinity related, and all are contained within a specific user database (user profile) (Figure 2, item 300). Therefore, it is asserted that Baron does teach describing the photographic interests of users selected from a number of content type categories, wherein the content type specifies the category or kind of photo opportunity in which the user is interested.

The Appellant further argues:

That Baron does not teach "identifying a plurality of suggestions from a from a photo opportunity database based on the geographic location of the device and matching of photographic interests as given by said content types within said user profile with the content type of the photo opportunity, wherein each suggestion indicates a unique photo opportunity."

The Examiner contends that Baron does teach the matching of photographic interests as given by said content types within said user profile with the content type of the photo opportunity. Baron teaches that the system provides the user with "sites of interest" (column 6, lines 54-55), which are sites selected by users (first content type, wherein each site of interest includes photos and other content information) or with "suggestion of sites in the vicinity" (second content type) which are all stored in a user

profile (Figure 2, item 300), and wherein the suggestions based on the different content types each represent a photo opportunity (column 6, lines 58-59). The user-selected sites (content type) are therefore matched with the user profile as the user has designated preferred sites of interest and based on the user-selected sites (content type) and the vicinity, sites of interest are matched with the user-selected sites, present in the user profile, and supplied to the user based on vicinity. Each site of interest is a possible photo opportunity and is supplied to the user device. Therefore, it is asserted that Baron does teach the matching of photographic interests as given by said content types within said user profile with the content type of the photo opportunity.

The Appellant further argues:

That Baron does not teach subsets of general categories of content types within said user profile.

The Examiner contends that Baron does teach subsets of general categories of content types within said user profile. Based on the above arguments in relation to the "content types" being analogous to the photos and information provided to the user by from either user selected sites, or suggested sites, the Examiner asserts that there are subsets of these general categories. For example, the user-selected sites each have a sub-set of different photographs that were taken at different sites (column 7, lines 60-65), which can be viewed to allow the user to see if the scene is different from his/her last picture. These multiple photographs of different sites that the user have visited are

sub-sets of the user selected sites, as they are a smaller sample of the category of user-selected sites. The category of user-selected sites, including all sites the user designated on his/her itinerary (column 7, lines 7-10), have sub-sets of different sites and different associated photographs stored in the database of those sites (column 7, lines 60-65). Therefore, it is asserted that Baron does teach subsets of general categories of content types within said user profile.

The Appellant further argues:

That Baron and Wall in combination, do not teach, “dynamically varying the radius of geographic limits to the device based on the geographic location of the device and matching of the content type for prospective photo opportunities with the content types within said user profile expressing user interests,” wherein the suggestion indicates a photo opportunity.” Specifically, the Appellant argues that the combination does not teach how the varying of geographic limits would relate to the matching of the content type for photo opportunities. Wall teaches varying the radius of the geographic limits so that the amount of information supplied to a user device can be limited by the processor (Wall: column 4, lines 59-67). Wall teaches supplying information for sites in a specific area (Wall: column 4, lines 65-67), which is analogous to the sites which are provided to the camera device of Baron. It is obvious then, that the varying of the radius, as taught in Wall, provides either more or fewer sites depending on if the radius is increased or decreased. In Baron, sites are provided based on user-selected sites,



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and suggested sites, and both can be used in combination with a vicinity parameter (Baron: column 6, lines 54-57). Therefore, if this "vicinity" is increased, it follows that more sites would arise, including suggested sites, and user-selected sites, wherein both, have photos, images, and related information associated with them, either of which can be provided to the user (different content types) based on either the user-selected sites, or the user parameters (column 7, lines 7-11). Therefore, the varying of the limits provides more possible sites of interest to the user. Furthermore, this increase of possible sites is directly related to the matching of the content types.

Baron teaches that the system provides the user with "sites of interest" (column 6, lines 54-55), which are sites selected by users (first content type, wherein each site of interest includes photos and other content information) or with "suggestion of sites in the vicinity" (second content type) which are all stored in a user profile (Figure 2, item 300), and wherein the suggestions based on the different content types each represent a photo opportunity (column 6, lines 58-59). The user-selected sites (content type) are therefore matched with the user profile as the user has designated preferred sites of interest and based on the user-selected sites (content type) and the vicinity, sites of interest are matched with the user-selected sites, present in the user profile, and supplied to the user based on vicinity. Each site of interest is a possible photo opportunity and is supplied to the user device. Therefore, it is asserted that Baron does teach the matching of photographic interests as given by said content types within said user profile with the content type of the photo opportunity, and it is related to the dynamically varying of the radius around a vicinity.

The Appellant further argues:

That it is not obvious to combine Baron and Wall because they are not analogous arts.

The Examiner contends that there is proper motivation for combined Baron and Wall, and that for the purposes of combination, they are analogous arts. Both Baron and Wall not only use Global Positioning System (GPS) in their devices, but also supply information about sites to the user based on vicinity. Wall gathers information from a database and sends it to the user retrieval device (Wall: column 4, lines 30-36), which is analogous to the device of Baron retrieving sites of interest based on vicinity and sending the sites, along with other content to the user device (column 6, lines 26-31). Baron does not explicitly disclose dynamically varying the radius of the geographic limits. Wall discloses this capability, and states that limiting the amount of information is desirable in order to control the amount of information processed by the user device (Wall: column 4, lines 45-62). Therefore, the Examiner contends that there was proper motivation to combine these two references, and that they are analogous arts.

The Appellant further argues:

That Baron and Wall do not teach, "updating the user profile based on images captured by the device."

The Examiner contends that Baron and Wall do teach updating the user profile based on images captured by the device. Baron discloses that a database, including a user's selected sites (column 7, lines 8-11), can be updated with photographs taken by the user so that the photograph is there for a possible next visit (column 7, lines 58-65), and can determine if a next visit of the site is necessary (column 7, lines 62-67). Therefore, it is asserted that Baron and Wall do teach updating the user profile based on images captured by the device.

Finally, Appellant argues:

That Baron and Wall detecting a content type of the captured image, which is directed to detecting an image captured by the camera.

The Examiner contends that Baron and Wall do teach detecting a content type of the content type of the captured image. In view of the arguments given above for matching a content type, the captured image is either stored in the database, where it will be either used in sending a user a suggest site, or sent when it is designated a user-selected site (column 7, lines 58-67). Therefore, based on the discussion given above for "content types," the captured image is added to the database, and is used as one of the content types as designated by a user.

#### **(11) Related Proceeding(s) Appendix**

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No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.


**(12) Conclusion**

For the above reasons, it is believed that the rejections should be sustained.


Respectfully submitted,

KA KA 8/31/07

08/31/2007

  
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